

53A-4-205. Establishment of public education foundations -- Powers and duties -- Tax exempt status.

(1) The State Board of Education, a local school board, or the Utah Schools for the Deaf and Blind may establish foundations to:

- (a) assist in the development and implementation of the programs authorized under this part to promote educational excellence; and
- (b) assist in the accomplishment of other education-related objectives.

(2) A foundation established under Subsection (1):

(a) may solicit and receive contributions from private enterprises for the purpose of this part;

(b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules made under the act;

(c) has no power or authority to incur contractual obligations or liabilities that constitute a claim against public funds except as provided in this section;

(d) may not exercise executive, administrative, or rulemaking authority over the programs referred to in this part, except to the extent specifically authorized by the responsible school board;

(e) is exempt from all taxes levied by the state or any of its political subdivisions with respect to activities conducted under this part;

(f) may participate in the Risk Management Fund under Section 63A-4-204;

(g) shall provide a school with information detailing transactions and balances of funds managed for that school;

(h) shall, for foundation accounts from which money is distributed to schools, provide all the schools within a school district information that:

(i) details account transactions; and

(ii) shows available balances in the accounts; and

(i) may not:

(i) engage in lobbying activities;

(ii) attempt to influence legislation; or

(iii) participate in any campaign activity for or against:

(A) a political candidate; or

(B) an initiative, referendum, proposed constitutional amendment, bond, or any other ballot proposition submitted to the voters.

(3) A local school board that establishes a foundation under Subsection (1) shall:

(a) require the foundation to:

(i) use the school district's accounting system; or

(ii) follow written accounting policies established by the board;

(b) review and approve the foundation's accounting, purchasing, and check issuance policies to ensure that there is an adequate separation of responsibilities; and

(c) approve procedures to verify that issued foundation payments have been properly approved.

Amended by Chapter 280, 2011 General Session

Amended by Chapter 342, 2011 General Session